

Application Serial No. 09/581,709

RCA88796

REMARKS

Claims 1-13 remain pending in this application with claim 1 being amended by this response.

Objection to Claim 1

Claim 1 is objected to for lack of clarity. Claim 1 has been amended for purposes of clarification to correct the informalities cited by the Examiner. Support for these amendments can be found throughout the specification and more specifically on Page 2, line 35. Thus, it is respectfully submitted that no new matter has been added. Thus, it is respectfully submitted that this objection is satisfied and should be withdrawn.

Rejection of Claims 1-3, 5-9 and 11-12 under 35 USC § 103(a)

Claims 1-3, 5-9 and 11-12 are rejected under 35 USC § 103(a) as being unpatentable over Perlman et al. (U.S. Patent No.: 5,583,576) and in view of Anderson et al. (U.S. Patent No.: 6,005,631).

The present claimed invention provides an apparatus for processing and outputting a program signal. The apparatus includes a data receiver for receiving a signal channel selection from a user. A tuner selects one of a plurality of signal channels in response to the signal channel selection from the user. The selected one of the plurality of signal channels includes a program signal. A signal output provides an output signal derived from the program signal. An auxiliary data decoder detects program related information included in each program signal. A central processing unit is operatively connected to the data receiver, the signal input, the signal output and the auxiliary data decoder. The central processing unit controls the output signal for preventing user access to the program signal upon detecting a current channel selection has been previously selected within a predetermined time period.

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"Since program related information is transmitted periodically...a television receiver may experience a delay before receiving and decoding new program related information when a user selects a new channel...Therefore, when a user selects a new channel, the television receiver may take several seconds to detect and decode new program related information and take appropriate blocking action. The delay is a noticeable period during which a possibly objectionable program remains unblocked and may be viewed by unintended audiences. A user may attempt to exploit the above described delay and bypass such a blocking feature by repeatedly tuning to a particular channel to view or listen to portions of an objectionable program before the blocking feature can be activated" (Page 2, lines 12-31). Therefore, the present claimed invention "determines in step 238 whether the newly selected channel is the same as the previously selected channel in step 238...and user access to the new channel is prevented and the process of determining a program related information and whether the user selected blocking criteria is met is preformed thereafter": (Page 9, lines 27-37).

Perlman et al. (US Patent No. 5,583,576) teach a technique and apparatus for selectively inhibiting a television receiving apparatus from displaying those television channels which are not authorized for viewing. The apparatus includes a tuner "adapted to receive EPG data" (Col. 5, line 54). "When tuner 204 is tuned...in response to channel selection signals..., the television program information associated with the selected channel is read from memory 206 for the purpose of comparing the rating data included in that television program information to a predefined rating code that has been generated previously by the user of the television receiving apparatus" (Col. 6, lines 24-31).

The Office Action asserts that Perlman et al. teach the principles of the present claimed invention. However, Perlman et al. describe blocking based on stored EPG ratings data. This is wholly unlike the present claimed invention, which blocks based on recent channel selections. Thus, as admitted by the Examiner, Perlman et al. neither disclose nor suggest "preventing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention.

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Additionally, Perlman et al. are not concerned with preventing user exploitation of a blocking delay by continuously tuning to a channel. Perlman et al. rely on the reception of EPG data from a server to block objectionable material. This is fundamentally different than the present claimed invention, which operates in a closed system by detecting if a current selection has been previously selected, to protect against the exploitation of a blocking delay. Consequently, if EPG data is not received in a timely fashion, the apparatus of Perlman et al. will be ineffective in preventing access to the specified program and allow the user to momentarily watch a restricted program. In contrast, the present claimed invention would remain effective in preventing access to the specified program in the absence of timely EPG data when the current channel selection has been recently selected by blocking the channel at least until the EPG data is received and compared with stored rating data. Thus, Perlman et al. neither disclose nor suggests "preventing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention.

Anderson et al. describe a method for organizing and searching through an electronic programming guide. The method includes the use of a remote control. "The remote control keys are a part of an interactive user interface which...permit a user to access and view the EPG...The LAST key 200 toggles the tuning of home communications terminal 14 between the last two previously viewed channels. The CH (up) key 202 increments the channel tuned...The CH (down) key 204 decrements the channel tuned" (Col. 9, lines 13-26).

As admitted by the Examiner, Anderson et al. do not disclose "preventing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention. The Office Action asserts that as Anderson et al. describe toggling between channels, it would have been obvious to enable the CPU to detect if a current channel selection has been previously selected and block user access. However, Anderson et al. are not concerned with preventing a user exploitation of the blocking delay period. In fact, Anderson et al. do not even acknowledge the problem of the

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exploitation of the blocking delay period, as addressed by the present claimed invention. Accordingly, modifying the system of Anderson et al. to protect against such user exploitation by detecting if a current channel selection has been previously selected and then blocking user access to the channel would be impermissible hindsight. As Anderson et al. (with Perlman et al.) do not recognize the problem addressed by the present invention, preventing access to programs by flipping channels, there is no motivation to block channels upon detection of previous selections of a current channel selection and thus such could not be obvious.

In fact, Anderson et al. merely describe a typical television remote to navigate channels. As Anderson et al. are do not even acknowledge the problem of a user exploitation of a blocking delay, it is respectfully submitted that it would not be obvious to modify the system of Anderson et al. to compare a current channel selection to a recent previous channel selection to detect and prevent against such an exploitation.

Furthermore, even if the system of Anderson et al. was concerned with the exploitation of the blocking delay, it would not have been obvious to protect against the delay by comparing the current channel selection to a recent previous channel selection. Therefore, it is respectfully submitted that, contrary to the suggestion in the Office Action, it would not have been obvious to modify the system of Anderson et al. to prevent "user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention.

The Office Action asserts further that it would have been obvious to modify a combination of the systems of Perlman et al. and Anderson et al. to disclose the features of the present claimed invention. However, the combined system, similarly to the individual systems of Perlman et al. and Anderson et al., is not concerned with the problem of the exploitation of the blocking delay caused by the time period between tuning a channel and receiving ratings data. Accordingly, the combined system would not be concerned with detecting if the current channel has been previously selected to

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protect against such exploitation. Therefore, it is respectfully submitted that it would not have been obvious to modify a combination of the systems of Perlman et al. and Anderson et al. to disclose "preventing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention.

As claims 2-3, 5-9 and 11-12 are dependent on independent claim 1 it is respectfully submitted that these claims are patentable for the same reasons as discussed above in regards to independent claim 1. In view of the above remarks and amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Perlman et al. and Anderson et al., when taken alone or in combination, showing the above discussed features. It is thus further respectfully submitted that claims 1-3, 5-9 and 11-12 are patentable over Perlman et al. and Anderson et al., when taken alone or in combination.

Rejection of Claims 10 and 13 under 35 USC § 103(a)

Claims 10 and 13 are rejected under 35 USC § 103(a) as being unpatentable over Perlman et al. in view of Anderson et al. and further in view of Collings (U.S. Patent No.: 5,828,402).

Collings discloses a video program transmission method for enabling a viewer to receive information useful for selectively blocking the viewing of television programming. Collings selectively blocks the viewing of television programming by detecting data packets describing television programming in an incoming video signal. These data packets include at least packets which contain category information specifying a level in one or more multi-level categories and/or label information specifying labels applied to the program content of the signal.

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The Examiner suggests that Collings disclose selective blocking of program signals and restricting access to a program using On Screen Display Menus with PIN password verification. However, Collings, similar to Perlman et al. and Anderson et al., is not concerned with the problem of the exploitation of the blocking delay by continuously tuning to a channel. Thus, Collings, similarly to Perlman et al. and Anderson et al., is not concerned with detecting if a current channel selection has previously been selected. Collings merely describes a blocking system for selectively blocking audio and video based upon a comparison between stored ratings data and received rating data. Therefore, Collings, similar to Perlman et al. and Anderson et al., neither discloses nor suggests "preventing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention.

The Office Action asserts that the combined systems of Perlman et al., Anderson et al. and Collings would disclose the principles of the present claimed invention. However, the combined system, similarly to the individual systems of Perlman et al., Anderson et al. and Collings, would not be concerned with the exploitation of the blocking delay by continuously tuning to a channel. Accordingly, the combined system is not concerned with detecting if a currently selected channel has been recently selected. Therefore, it is respectfully submitted that it would not have been obvious to modify a combination of the systems of Perlman et al., Anderson et al. and Collings to disclose "preventing user access to said program signal upon detecting a current channel selection has been previously selected within a predetermined time period" as recited in claim 1 of the present invention.

As claims 10 and 13 are dependent on independent claim 1 it is respectfully submitted that these claims are patentable for the same reasons as discussed above in regards to independent claim 1. In view of the above remarks and amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

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In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Perlman et al., Anderson et al. and Colling, when taken alone or in combination, showing the above discussed features. It is thus further respectfully submitted that claims 10 and 13 are patentable over Perlman et al., Anderson et al. and Collings, when taken alone or in combination.

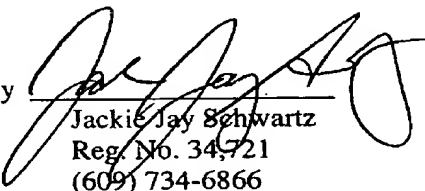
Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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